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AVAILABLE

MONTANA LEGISLATIVE HISTORY

Chapter 404 19 91

Bill H 947 S _____ Original bill & history ____C

H. Committee on Taxation			S. Committee on Taxation		
Hearing Date(s)	Mar 21	✓ C	Hearing Date(s)	Apr 05	✓ C
	_____	____C		_____	____C
	_____	____C		_____	____C
	_____	____C		A _____	____C
Date Out	Mar 21	✓ C		Apr 05	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

3/13	HEARING		
4/18	TABLED IN COMMITTEE		

HB 946 INTRODUCED BY MENAHAN
DEDICATE TO TRAFFIC EDUCATION ALL DUI FINES FROM POLICE OFFICER ARRESTS

2/19	INTRODUCED		
2/19	REFERRED TO LOCAL GOVERNMENT		
2/19	FIRST READING		
2/19	FISCAL NOTE REQUESTED		
2/21	HEARING		
2/21	TABLED IN COMMITTEE		
2/25	FISCAL NOTE RECEIVED		

HB 947 INTRODUCED BY MCCAFFREE, ET AL.
ESTABLISH MINIMUM PROPERTY TAX PAYMENT FOR PROPERTY TAXES DUE

2/19	INTRODUCED		
2/19	REFERRED TO TAXATION		
2/20	FIRST READING		
2/20	FISCAL NOTE REQUESTED		
2/21	FISCAL NOTE RECEIVED		
2/22	FISCAL NOTE PRINTED		
3/21	HEARING		
3/22	COMMITTEE REPORT—BILL PASSED AS AMENDED		
4/01	2ND READING PASSED	87	12
4/03	3RD READING PASSED	83	16
	TRANSMITTED TO SENATE		
4/04	FIRST READING		
4/04	REFERRED TO TAXATION		
4/05	HEARING		
4/05	COMMITTEE REPORT—BILL CONCURRED		
4/09	2ND READING CONCURRED	25	16
4/10	3RD READING CONCURRED	36	14
	RETURNED TO HOUSE		
4/16	SIGNED BY SPEAKER		
4/16	SIGNED BY PRESIDENT		
4/16	TRANSMITTED TO GOVERNOR		
4/17	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 474	EFFECTIVE DATE: 10/01/91	

HB 948 INTRODUCED BY R. JOHNSON, ET AL.
CREATION OF A COUNTY INTERDISCIPLINARY CHILD INFORMATION TEAM

2/19	INTRODUCED		
2/19	REFERRED TO HUMAN SERVICES & AGING		
2/20	FIRST READING		
2/22	HEARING		
2/23	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/23	PLACED ON CONSENT CALENDAR		
2/26	3RD READING PASSED	98	1
	TRANSMITTED TO SENATE		
2/27	FIRST READING		
2/27	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/22	HEARING		
3/23	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/27	2ND READING CONCURRED	49	0
3/28	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/10	2ND READING AMENDMENTS CONCURRED	97	1

HOUSE BILL NO. 947

INTRODUCED BY MCCAFFREE, WILLIAMS

IN THE HOUSE

FEBRUARY 19, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON TAXATION.
FEBRUARY 20, 1991	FIRST READING.
MARCH 22, 1991	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 23, 1991	PRINTING REPORT.
APRIL 1, 1991	SECOND READING, DO PASS.
APRIL 2, 1991	ENGROSSING REPORT.
APRIL 3, 1991	THIRD READING, PASSED. AYES, 83; NOES, 16.
	TRANSMITTED TO SENATE.

IN THE SENATE

APRIL 3, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON TAXATION.
	FIRST READING.
APRIL 5, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
APRIL 9, 1991	SECOND READING, CONCURRED IN.
APRIL 10, 1991	THIRD READING, CONCURRED IN. AYES, 36; NOES, 14.
	RETURNED TO HOUSE.

IN THE HOUSE

APRIL 11, 1991	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

LC 1859/01

House BILL NO. 947

INTRODUCED BY McCaffree Mueller

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A MINIMUM PROPERTY TAX PAYMENT FOR PROPERTY TAXES DUE; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Minimum tax payment -- limitation of appeal.** (1) If the taxes and assessments due for the current year shown in the written notice sent to the taxpayer as required in 15-16-101(2) are less than $5, the county treasurer shall notify the taxpayer that a minimum tax of $5 is imposed and due. The $5 tax is imposed for purposes of defraying administrative expenses incurred in administering the tax.

(2) The notification of the $5 minimum tax required by subsection (1) must be made in the notice required in 15-16-101(2).

(3) The minimum tax imposed by this section is not affected by the limitation on property taxes contained in Title 15, chapter 10, part 4.

NEW SECTION. **Section 2. Limitation of applicability.** The minimum tax imposed by [section 1] is not affected by the provisions of this part.

NEW SECTION. **Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 15, chapter 16, and the provisions of Title 15 apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 15, chapter 10, part 4, and the provisions of Title 15, chapter 10, apply to [section 2].

NEW SECTION. **Section 4. Applicability.** [This act] applies to taxable year 1992, beginning January 1, 1992, and to all taxable years thereafter.

-End-

INTRODUCED BILL
HB 947

STATE OF MONTANA - FISCAL NOTE
Form BD-15
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0947, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to establish a minimum property tax payment for property taxes due; and providing an applicability date.

FISCAL IMPACT:

The proposal should have a minimal impact on state and local revenues.

2-21-91
ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

2-22-91
ED MCCAFFREE, PRIMARY SPONSOR DATE

Fiscal Note for HB0947, as introduced HB 947

APPROVED BY COMMITTEE
ON TAXATION

HOUSE BILL NO. 947

INTRODUCED BY MCCAFFREE, WILLIAMS

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A MINIMUM PROPERTY TAX PAYMENT FOR PROPERTY TAXES DUE; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Minimum tax payment -- limitation of appeal.** (1) If the taxes and SPECIAL assessments due for the current year shown in the written notice sent to the taxpayer as required in 15-16-101(2) are less than $5, the county treasurer shall notify the taxpayer that a minimum tax of $5 is imposed and due. The $5 tax is imposed for purposes of defraying administrative expenses incurred in administering the tax.

(2) The notification of the $5 minimum tax required by subsection (1) must be made in the notice required in 15-16-101(2).

(3) The minimum tax imposed by this section is not affected by the limitation on property taxes contained in Title 15, chapter 10, part 4.

NEW SECTION. **Section 2. Limitation of applicability.** The minimum tax imposed by [section 1] is not affected by the provisions of this part.

NEW SECTION. **Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 15, chapter 16, and the provisions of Title 15 apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 15, chapter 10, part 4, and the provisions of Title 15, chapter 10, apply to [section 2].

NEW SECTION. **Section 4. Applicability.** [This act] applies to taxable year 1992, beginning January 1, 1992, and to all taxable years thereafter.

-End-

HOUSE BILL NO. 947

INTRODUCED BY MCCAFFREE, WILLIAMS

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A MINIMUM PROPERTY TAX PAYMENT FOR PROPERTY TAXES DUE; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Minimum tax payment -- limitation of appeal.** (1) If the taxes and SPECIAL assessments due for the current year shown in the written notice sent to the taxpayer as required in 15-16-101(2) are less than $5, the county treasurer shall notify the taxpayer that a minimum tax of $5 is imposed and due. The $5 tax is imposed for purposes of defraying administrative expenses incurred in administering the tax.

(2) The notification of the $5 minimum tax required by subsection (1) must be made in the notice required in 15-16-101(2).

(3) The minimum tax imposed by this section is not affected by the limitation on property taxes contained in Title 15, chapter 10, part 4.

NEW SECTION. **Section 2. Limitation of applicability.** The minimum tax imposed by [section 1] is not affected by the provisions of this part.

HB 0947/02

NEW SECTION. **Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 15, chapter 16, and the provisions of Title 15 apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 15, chapter 10, part 4, and the provisions of Title 15, chapter 10, apply to [section 2].

NEW SECTION. **Section 4. Applicability.** [This act] applies to taxable year 1992, beginning January 1, 1992, and to all taxable years thereafter.

-End-

THIRD READING

HOUSE BILL NO. 947

INTRODUCED BY MCCAFFREE, WILLIAMS

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A MINIMUM PROPERTY TAX PAYMENT FOR PROPERTY TAXES DUE; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Minimum tax payment -- limitation of appeal.** (1) If the taxes and SPECIAL assessments due for the current year shown in the written notice sent to the taxpayer as required in 15-16-101(2) are less than $5, the county treasurer shall notify the taxpayer that a minimum tax of $5 is imposed and due. The $5 tax is imposed for purposes of defraying administrative expenses incurred in administering the tax.

(2) The notification of the $5 minimum tax required by subsection (1) must be made in the notice required in 15-16-101(2).

(3) The minimum tax imposed by this section is not affected by the limitation on property taxes contained in Title 15, chapter 10, part 4.

NEW SECTION. **Section 2. Limitation of applicability.** The minimum tax imposed by [section 1] is not affected by the provisions of this part.

HB 0947/02

NEW SECTION. **Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 15, chapter 16, and the provisions of Title 15 apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 15, chapter 10, part 4, and the provisions of Title 15, chapter 10, apply to [section 2].

NEW SECTION. **Section 4. Applicability.** [This act] applies to taxable year 1992, beginning January 1, 1992, and to all taxable years thereafter.

-End-

REFERENCE BILL

taxpayer assistance.

The first taxpayer bill of rights was enacted in California several years ago. Six states have adopted this similar statute. Most of what is in the bill is existing Department policy. SB 279 places the rights that the taxpayer are entitled to in one place in the codes.

Section 2 states that the taxpayer has the right to record any interview meeting, or conference with auditors or any other representative of the department, the taxpayer has the right to hire a representative of the taxpayer's choice to represent his interests, etc.

Section 3 stated the DOR shall establish and maintain an office of taxpayer assistance.

Proponents' Testimony:

Dave Woodgerd, DOR, stated that SB 279 was at the request of the DOR. It is an idea that has been around the Department for several years. He provided written testimony. **EXHIBITS 19,20**

Mark Russell, Montana Society of CPAs, stood in support of SB 279.

Opponents' Testimony: None

Questions From Committee Members:

REP. STANG asked **Dave Woodgerd** if this was going to be done at the state or county level. **Mr. Woodgerd** stated SB 279 only addresses taxes administered and collected by the state. It wouldn't concern the collection on property taxes at the local level.

Closing by Sponsor:

SEN. BROWN made no closing statement.

HEARING ON HB 947

Presentation and Opening Statement by Sponsor:

REP. McCAFFREE, House District 27, Forsyth, stated HB 947 would implement a minimum tax collection of $5.00. The reason being that there are many ghost towns and for some reason somebody has

bought a lot. The county treasurers need to recoup their loss for sending the tax statement.

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members:

REP. RANEY asked **REP. McCAFFREE** what Section 2 was--"the minimum tax imposed by [section 1] is not affected by the provisions of this part". **REP. McCAFFREE** deferred the question to **Lee Heiman, Legislative Council. Mr. Heiman** said the codification instructions [section 3, (2)] puts this in Title 15, Chapter 10, Part 4 where I-105 is codified. It's just put in so that I-105 and this bill don't conflict with each other.

Closing by Sponsor:

REP. McCAFFREE made no closing statement.

EXECUTIVE ACTION ON HB 947

Motion: **REP. STANG MOVED HB 947 DO PASS.**

Discussion:

REP STANG asked **Lee Heiman** if it meant that the minimum tax, if subject to I-105 and a person has a dollar in taxes, the tax will still be one dollar and not the five dollars. **Mr. Heiman** said the bill exempts the dollar and makes it five dollars.

REP. FOSTER said that on one hand **REP. McCAFFREE** is saying that HB 947 does go against I-105 and on the other **Mr. Heiman** is saying that we have excluded it from I-105. **Mr. Heiman** said that both were stated. **REP. M. HANSON** said that the reason that the DOR wanted the bill was to recover costs.

Judy Rippingale, DOR, asked the committee to look at Page 1, Line 10. She suggested that the word "assessment" be struck and insert the word "tax". **REP. COHEN** stated that Whitefish specials assessments are in excess of their property tax. The idea is if the total tax bill is less than $5.00. What **Ms. Rippingale** is saying is that she wants just taxes and not assessments. **Ms. Rippingale** said in terms of clarification, many people think of

assessment as assessed value. **REP. COHEN** asked if the word "special" would be better. **Ms. Rippingale** said yes.

Motion/Vote: **REP. COHEN** moved to amend HB 947. **EXHIBIT 21** Motion carried unanimously by voice vote.

Motion/Vote: **CHAIR HARRINGTON MADE A SUBSTITUTE MOTION THAT HB 947 DO PASS AS AMENDED.** Motion carried 19 to 2 with **REPS. GILBERT** and **STANG** voting no.

EXECUTIVE ACTION ON SB 279

Motion/Vote: **REP. STANG MOVED sb 279 BE CONCURRED IN.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 288

Discussion:

REP. O'KEEFE asked where the money comes from. **CHAIR HARRINGTON** said the money was already there. The money comes out of a special revenue that is required by certain fees and penalties is deposited into a special account. **REP. O'KEEFE** asked if instead of going into the RITT fund, it will go into a special revenue account. CHAIR HARRINGTON said yes and suggested that SB 288 be passed for the day.

Vote: **NO ACTION WAS TAKEN ON SB 288.**

EXECUTIVE ACTION ON HB 518

Motion: **REP. FOSTER MOVED HB 518 DO PASS.**

Discussion:

REP. COHEN explained the amendments. He stated the amendments were brought to the subcommittee by **Chuck Stearns, Finance Officer, Missoula.** He stated the amendments would create no extra burden on anyone.

Motion//Vote: **REP. HOFFMAN** moved to amend HB 518. **EXHIBIT 22** Motion carried 20 to 1 with **REP. HARRINGTON** voting no.

Motion: **REP. FOSTER** moved to further amend HB 518 to include school districts

HOUSE OF REPRESENTATIVES

TAXATION COMMITTEE

ROLL CALL DATE 3/21/91

NAME	PRESENT	ABSENT	EXCUSED
REP. DAN HARRINGTON	✓		
REP. BEN COHEN, VICE-CHAIRMAN	✓		
REP. BOB REAM, VICE-CHAIRMAN	✓		
REP. ED DOLEZAL	✓		
REP. JIM ELLIOTT	✓		
REP. ORVAL ELLISON	✓		
REP. RUSSELL FAGG	✓		
REP. MIKE FOSTER	✓		
REP. BOB GILBERT	✓		
REP. MARIAN HANSON	✓		
REP. DAVID HOFFMAN	✓		
REP. JIM MADISON	✓		
REP. ED MCCAFFREE	✓		
REP. BEA MCCARTHY	✓		
REP. TOM NELSON	✓		
REP. MARK O'KEEFE	✓		
REP. BOB RANEY	✓		
REP. TED SCHYE	✓		
REP. BARRY "SPOOK" STANG	✓		
REP. FRED THOMAS	✓		
REP. DAVE WANZENRIED	✓		

all here.

EXHIBIT 21
DATE 3-21-91
HB 947

Amendments to House Bill No. 947
First Reading Copy

For the Committee on Taxation

Prepared by Lee Heiman
March 21, 1991

1. Page 1, line 10.
Following: "taxes and"
Insert: "special"

HOUSE STANDING COMMITTEE REPORT

March 21, 1991

Mr. Speaker: We, the committee on Taxation report that House Bill 947 (third reading copy -- blue) do pass as amended .

Signed: _____
Dan Harrington, Chairman

And, that such amendments read:

1. Page 1, line 10.
Following: "taxes and"
Insert: "special"

Closing by Sponsor:

Rep. Ream said this bill is good public policy and especially so for Montana where the legislature meets only every other year. It is not intended to be a partisan issue, but rather one developed with a great deal of input from DOR to enhance and facilitate the legislative process.

HEARING ON HOUSE BILL 947

Presentation and Opening Statement by Sponsor:

Rep. McCaffree, District 27, said the bill establishes a minimum tax of $5 and is introduced at the request of the County Treasurers Association. Some tax bills are as low as 17 cents and 69 cents. The Treasurers only want to recoup the cost of the tax billing process and establish a minimum $5 charge so they do not have tax bills that are costing the counties money to collect.

Proponents' Testimony:

There were no proponents.

Opponents' Testimony:

There were no opponents.

Questions From Committee Members:

There were no questions.

Closing by Sponsor:

Rep. McCaffree closed.

EXECUTIVE ACTION ON HOUSE BILL 947

Recommendation and Vote:

Senator Towe moved HB 947 Be Concurred In.

The motion CARRIED unanimously.

ROLL CALL

SENATE TAXATION COMMITTEE

DATE 4/5/91

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SEN. HALLIGAN	X		
SEN. ECK	X		
SEN. BROWN	X		
SEN. DOHERTY	X		
SEN. GAGE	X		
SEN. HARP	X		
SEN. KOEHNKE	X		
SEN. THAYER	X		
SEN. TOWE	X		
SEN. VAN VALKENBURG	X		*
SEN. YELLOWTAIL	X		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

April 5, 1991

MR. PRESIDENT:

We, your committee on Taxation having had under consideration House Bill No. 947 (third reading copy -- blue), respectfully report that House Bill No. 947 be concurred in.

Signed: _____
Mike Halligan, Chairman

4-11-91
Amd. Coord.

4-11-91 2:40
Sec. of Senate